

CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA

**City of Westminster
Adjourned Regular Meeting
April 25, 2006**

**6:00 p.m. – Council Conference Room
7:00 p.m. – Council Chambers**

**8200 Westminster Boulevard
Westminster, California 92683**

**MARGIE L. RICE
MAYOR**

**FRANK G. FRY
Mayor Pro Tem**

**KERMIT MARSH
Council Member**

**ANDY QUACH
Council Member**

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I)

GENERAL INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the first and third Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible. Adjourned Regular Meetings (Study Sessions) are tentatively held on the Monday following the first Wednesday of the month at 6:00 p.m.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

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PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

AGENDA

April 25, 2006

6:00 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager.

RECESS:

AGENDA

April 25, 2006

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, FRY, MARSH, QUACH

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Marsh

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. Council presentation of grad night checks to Westminster High School, La Quinta High School and Ocean View High School.
- B. Commendation to Lori and Tom Pappas (Uncle Pete's Cafe)
- C. Westminster Chamber of Commerce – Report on Upcoming Events
- D. Commendation to Addie Balcom, "Senior of the Year".

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April 25, 2006

1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council/Redevelopment Agency/Public Financing Authority, the public, or staff request specific items be removed from the Consent Calendar for separate action or discussion.

ROUTINE MATTERS

- 1.1 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.

RECOMMENDATION: Approve.

- 1.2 Notice of Completion for work performed by All American Asphalt for Street Improvements on 12th Street from Cedarwood Avenue to Beach Boulevard; 15th Street from Cedarwood Avenue to Beach Boulevard, and 16th Street from Cedarwood Avenue to Beach Boulevard (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

- 1.3 Amendment No. 4 to Contractual Services Agreement with W.G. Zimmerman Engineering, Inc., to provide temporary engineering services (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 4 to the contractual professional services agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$31,200.00, extending the contract for a period not to exceed three months, and authorize the Interim City Manager to execute the amendment on behalf of the City.

- 1.4 Agreement for Positive Location of Underground Utilities with the State of California's Department of Transportation (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Agreement for positive location (potholing) of underground utilities with the State of California's Department of Transportation (Caltrans), and that the Interim City Manager be authorized to execute the agreement on behalf of the City.

AGENDA

April 25, 2006

1. CONSENT CALENDAR (Continued)

1.5 Renovation of Police Department Mailroom (Mitch Waller)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize the issuance of the following purchase order in the designated amount for renovation of the Police Department mailroom:

McMurray Stern Storage Solutions Group \$18,500.00

ORDINANCES (SECOND READING)/RESOLUTIONS - None

ADMINISTRATIVE ITEMS

1.6 Special Event Permit application from the Coalition of the Republic of Vietnam Veteran Association to hold the Eve of Vietnam Armed Forces Event on Saturday, June 17, 2006 between the hours of 5:00 p.m. and 9:00 p.m. (includes set up and clean up times). The event will take place at Freedom Park, 14180 All American Way; the anticipated attendance is 1000 people. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

1.7 Special Event Permit application from the Coalition of the Republic of Vietnam Veteran Association to hold a Vietnamese Armed Forces Day Event on Sunday, June 18, 2006 between the hours of 6:00 a.m. and 4:00 p.m. The event will take place at the Civic Center in the City Hall parking lot; the anticipated attendance is 1000 people. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

1.8 Special Event Permit application from The Vietnamese American Community of Southern California to hold a Black April Commemoration Ceremony on Saturday, April 29, 2006 between the hours of 4:00 p.m. and 9:00 p.m. (includes set up and clean up times). The event will take place at Freedom Park, 14180 All American Way; the anticipated attendance is 200 people. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

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April 25, 2006

1. CONSENT CALENDAR (Continued)

- 1.9 Special Event Permit application from the Vietnam War Memorial Committee to hold a Memorial Ceremony on Sunday, April 30, 2006 between the hours of 11:00 a.m. and 8:00 p.m. The event will take place at Freedom Park, 14180 All American Way; the anticipated attendance is 500 people. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

- 1.10 (City Council/Redevelopment Agency) Warrant Register dated April 12, through April 18, 2006 (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS - NONE

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

At this time members of the public may address the City Council/Redevelopment Agency regarding any items of interest not on the agenda that are within the subject matter jurisdiction of the City Council. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - NONE

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4. PUBLIC HEARINGS

ADDRESSING THE CITY COUNCIL DURING PUBLIC HEARINGS: After the public hearing is opened, persons speaking in favor will be heard first, followed by those persons speaking in opposition; and then persons speaking in rebuttal. Only those persons who have spoken in favor will be permitted to speak in rebuttal.

If a spokesperson is designated to speak in favor or in opposition, that spokesperson will have twelve (12) minutes to speak. Thereafter, each person speaking in favor or in opposition will have three (3) minutes to speak. The total time for speaking in favor or in opposition shall not exceed 30 minutes. Those persons speaking in rebuttal will have three minutes each, or a total of 20 minutes for rebuttal. The City Council may use its discretion to allow a speaker to exceed time limits.

NOTE: If a challenge is made by any party in court from actions arising out of a public hearing, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered at the public hearing or prior thereto.

4.1 **Third Amendment to Disposition and Development Agreement (DDA) by and between the Westminster Redevelopment Agency and Shelter for the Homeless (American Family Housing) for development of three affordable family apartment units at 13942 Cedar Street (Don Anderson)**

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve the third amendment to the Disposition and Development Agreement between the Westminster Redevelopment Agency and Shelter for the Homeless (American Family Housing) that will reduce the interest rate on the loan from 3% to 1%, change the principal and interest payment start date from April 2006 to April 2007, and allow only families earning 30% or less of the Area Median Income (AMI) to move into the apartments and remain until their income reaches 50% of AMI.

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4. PUBLIC HEARINGS (Continued)

4.2 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-20 (SITE PLAN AND DESIGN REVIEW); LOCATION: 15420 BROOKHURST STREET; APPLICANT: TRUNG VO (TIM VO) (Continued from the April 19, 2006 Council meeting) (Don Anderson)

Time set for a public hearing to consider the Planning Commission's decision to approve the demolition of a portion of an existing retail center, to construct a new 23,409 square foot retail/office building, and remodel the exterior of the remainder of the existing center to match the new structure on a 2.60 acre site. The required entitlements include Site Plan review to assess the proposed site layout and Design Review to assess the architectural design of the development.

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 3994 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-20 (Site Plan and Design Review), a request to demolish a portion of an existing retail center to construct a new 23,409-square-foot retail/office building at 15420 Brookhurst Street, and adopting a Mitigated Negative Declaration," and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items/AB 1234 Reports

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Plan check and inspection services contract with Melad & Associates (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a \$15,000 increase to the Annual Budget, Fiscal Year 2005-2006 Building Division, Contractual Account No. 62050-43090, and increase the existing contract with Melad & Associates for plan check and inspection services by the same amount.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.2 Repayment of CDBG Funds from the Code Enforcement program to Westminster's HUD account for FY 04/05 utilizing RDA Funds; and, replace unused CDBG Funds from the Code Enforcement program for FY 05/06 with RDA Funds. (Don Anderson)

RECOMMENDATION: staff recommends that the Mayor/Chair and City Council/Agency Board Members:

- 1) Approve repayment of FY 04/05 CDBG Code Enforcement funds in the amount of \$63,311 from RDA Fund Contingency (Account No. 18000-60904) to Westminster's HUD account (Account No. 16010-81008/CDBG Transfers In) for future reprogramming to CDBG eligible activities within the City; and
- 2) Reduce the transfer in of funds in the amount of \$115,388 for FY 05/06 from CDBG Funds (Account No. 16010-91000) to Code Enforcement (Account No. 63050-81009); and
- 3) Approve the transfer of funds in the amount of \$115,388 for FY 05/06 from RDA Fund Contingency (Account No. 18000-60904) to Code Enforcement Transfers In (Account No. 63050-81008) for FY 05/06 Code Enforcement salaries as replacement funding of CDBG Code Enforcement funds.

6.3 Computer Replacement Program – Desktop/Laptop Computers (James McAuliffe/Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order for forty (40) replacement desktop computers from Gateway in an amount not to exceed \$50,000.

6.4 (City/Agency) Sales tax audit services with The Hinderliter, de Llamas & Associates, Coren & Cone (HdL) for the fiscal year 2005-06. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and Members of the City Council/Agency Board approve the purchase order increase with HdL for sales tax audit services in the amount of \$12,800.

6.5 (City/Agency) Mid-year amendments to the fiscal year 2005-06 budget (Paul Espinoza)

RECOMMENDATION: Staff recommends that the City Council/Agency Board approve amendments to the fiscal year 2005-06 Municipal Budget.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.6 Authorization to Robert G. Castongia, Inc., contractor for the Water Improvements Project at various locations, to perform additional work along Alfred Avenue. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a change order in the amount of \$21,700 to the contract with Robert G. Castongia, Inc., for street repairs on Alfred Avenue.

6.7 Increase in the computer consulting purchase order with Net Solutions, Inc. (James McAuliffe/Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize an increase in the purchase order for computer consulting services from Net Solutions, Inc., in the amount of \$1,100.

6.8 Establishment of minimum charges and minimum deposit amounts for the Rose Center Theater Complex (Dick Jones)

RECOMMENDATION: That the Mayor and City Council adopt Resolution No. 4001 entitled, "A Resolution of the City Council of the City of Westminster establishing a minimum charge and a minimum deposit amount for use of the Rose Center Theater Complex", and waive further reading.

6.9 Design of New Police Facility (Mitch Waller)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize the issuance of a Request for Proposals for design and specifications for a new police facility.

7. WRITTEN COMMUNICATIONS (Public)

7.1 A request by Mr. Tri Tran of Song Long Restaurant at 9361 Bolsa Avenue, Suite 108, that the City Council waive the variance application fee required for processing an application to consider allowing a second freestanding sign. (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council uphold the fee requirement.

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7. WRITTEN COMMUNICATIONS (Public) (Continued)

7.2 Parking agreement between the City of Westminster and Coast Community College District (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council make no changes to the current parking agreement between the City of Westminster and Coast Community College District.

8. LEGISLATIVE ITEMS - None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Staff proposal to install one-way stop signs at the “T” intersections of Monroe Street at 18th Street and 19th Street – T.C. 06-102 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3999 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of one-way stop signs at the “T” intersections of Monroe Street at 18th Street and 19th Street”, and waive further reading.

9.2 Request for parking restrictions on Willow Lane (south of Westminster Boulevard) – T.C. 76-177 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 4000 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions on the west side of Willow Lane, south of Westminster Boulevard”, and waive further reading.

9.3 Request for timed parking restrictions on Beach Boulevard Frontage Road between 21st Street and 23rd Street – T.C. 06-101 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3998 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions on Beach Boulevard Frontage Road between 21st Street and 23rd Street”, and waive further reading.

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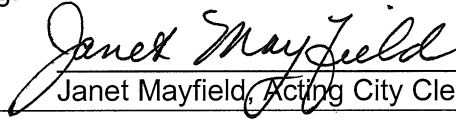
9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.4 Rescind parking restrictions on the south side of 15th Street between All American Way and Newland Street – T.C. 71-328 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3995 entitled, "A Resolution of the Mayor and City Council of the City of Westminster rescinding a portion of Resolution No. 1347 which provides for parking restrictions on 15th Street from Monroe Street (All American Way) to Newland Street", and waive further reading.

10. COUNCIL/AGENCY ADJOURNMENT

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.



Janet Mayfield, Acting City Clerk/Agency Secretary